

D/F

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LASER MASTER INTERNATIONAL, INC., d/b/a	:	10-CV-113 (ARR)(JMA)
FLEXOCRAFT PRINTS,	:	
	:	
Plaintiff,	:	<u>NOT FOR</u>
-against-	:	<u>PRINT OR ELECTRONIC</u>
	:	<u>PUBLICATION</u>
RAOUL OSVALDO FERNANDEZ,	:	
	:	
Defendant.	:	<u>ORDER</u>
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ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated January 4, 2011 from the Honorable Joan M. Azrack, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 U.S. Dist. LEXIS 50074, at \*6 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. 05 Civ. 1535 (DAB), 2007 U.S. Dist. LEXIS 15673, at \*1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, the court denies plaintiff's motion for default judgment and permanent injunction without prejudice to renewal. Should plaintiff choose to renew this motion, it should submit material sufficient to prove liability and damages, specifically the non-compete provision

and documentation substantiating its alleged losses, in addition to material establishing irreparable harm.

SO ORDERED.

/Signed by Judge Ross/

Allyne R. Ross  
United States District Judge

Dated: January 25, 2011  
Brooklyn, New York

SERVICE LIST:

Plaintiffs' Attorney

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Defendant

Raoul Osvaldo Fernandez  
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cc: Magistrate Judge Joan M. Azrack,